

### REMARKS

Claims 1-9, 13, 24 and 26 were previously canceled. Independent claims 10 and 12 have been amended. Thus, claims 10-12, 14-23, 25 and 27-29 are currently pending. Applicants respectfully requests reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

#### Response to Rejections Under Section 102:

Claims 10-13 stand rejected under 35 U.S.C § 102(b), in view of Alfonsi et al (USPN 5,491,590). Claim 10 is directed to a method for defining a distribution fan-out for the distribution of traffic via different paths in a packet network formed by a plurality of nodes and a plurality of connection sections for packet traffic having the same egress node. As amended, the method allows defining a node arrangement comprising a plurality of distinct node classes. Each respective one of the distinct node classes is distinguished from one another based on a number of hops required by each node in a given class to reach the egress node. The defining of the node arrangement comprises dividing the plurality of nodes into the plurality of classes subject to satisfy a first condition and a second condition. The first condition establishes for each node a path to the egress node be measured in a minimum number of hops. The second condition establishes no loop formation within each distinct class. Nodes with the same minimum number of hops belong to the same class. From each node of a class, a link is routed to a node of a class having one fewer hop, and for a node of a class which is connected by a connection section to a node having the same class, a link between the node and the node of the same class is defined. See for example at least paragraphs 13, 36 and 42 and FIG. 1 of the US patent application publication of the present invention, which provide appropriate support for the claimed node arrangement. See also paragraphs 38, 39 and 41.

MPEP §2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim.

The claimed invention expressly recites defining a node arrangement comprising a plurality of distinct node classes. Each respective one of the distinct node classes is

distinguished from one another based on a number of hops required by each node in a given class to reach the egress node.

For example, in the example described in the context of FIG. 1., each node in class 1 (nodes 1, 2, 5, and 9) uses one hop to reach the egress node. By way of distinction, each node in class 2 (nodes 3, 6, 8 and 10) uses two hops to reach the egress node. One skilled in the art will appreciate that the foregoing structural and/or operational relationships of the claimed invention are nowhere described or suggested by the Alfonsi reference, which appears to categorize nodes based on whether a node belongs to a so-called backbone node or to a local node. One skilled in the art will appreciate that node classification described by Alfonsi has no logical connection to the claimed node arrangement. On this basis alone, Alfonsi fails as an anticipatory reference. Anticipation under 35 U.S.C. §102 requires that “The identical invention must be shown in as complete detail as contained in the ...claim.” (Citations omitted).

In view of the foregoing considerations, it is respectfully submitted that claim 10 is not anticipated or suggested by Alfonsi. Furthermore, claims 11, 15, 17-19, 21, 25, 27, and 28 which depend on claim 10 are also patentable at least based on their dependency as well as based on their own respective structural and/or operational relationships. Therefore, Applicants respectfully requests that the Examiner withdraw the Section 102 rejection of such claims.

Independent claim 12 is directed to a method for defining a distribution fan-out for the distribution of traffic via different paths in a packet network formed by a plurality of nodes and a plurality of connection sections for packet traffic having the same egress node. It is respectfully submitted that Alfonsi similarly fails to anticipate or suggest each of the structural and/or operational relationships of claim 12. Therefore, it is respectfully submitted that claim 12 is also not anticipated or suggested by Alfonsi. Furthermore, claims 14, 16, 20, 22, 23, and 29 which depend from claim 12 are also patentable at least based on their dependency as well as based on their structural and/or operational relationships. Therefore, Applicants respectfully requests that the Examiner withdraw the Section 102 rejection of such claims.

Response to Rejections Under Section 103:

Claims 14-15 stand rejected under 35 U.S.C § 103(a) over Alfonsi in view of Zaumen (USPN 5,881,243). Claims 18-21, 25, and 27-29 stand rejected under 35 U.S.C § 103(a), in view of Alfonsi and further in view of Corson et al. (USPN 6,667,957).

It is respectfully submitted that Zaumen and Corson (singly and in combination) fail to remedy the fundamental deficiencies of Alfonsi in connection with the claimed invention, as discussed above. Consequently, on this basis alone, the respective combinations of Alfonsi and Zaumen; and Alfonsi and Corson fail to constitute respective *prima facie* combinations for appropriately sustaining a Section 103 rejection of the foregoing claims. Therefore, Applicants respectfully submits that these claims are patentable over such combinations and respectfully requests the Examiner to withdraw the Section 103 rejections.

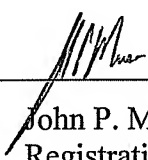
Conclusion

It is respectfully requested that the rejections set forth in the outstanding Office Action should be reconsidered in light of the remarks above, and upon such reconsideration early allowance is solicited. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 10/2/08

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